

Utah Advance Health Care Directive Act

Frequently Asked Questions

Does someone who has already filled out a Living Will or Special Power of Attorney need to fill out a new form after the act goes into effect on January 1st, 2008?

No, you don't have to, but you should. The new law does not require that a new form be filled out, but the new law was passed because the old forms did not work very well in practice. Long, detailed power of attorney for health care documents pulled off the internet or drafted by an attorney may also present challenges in practice. Therefore it is recommended that you complete the new form after it becomes effective on January 1, 2008.

Do I need to go to a lawyer to complete these forms?

No. These laws were designed so that an individual, with or without the help of a facilitator, can complete the forms. Go to www.utahdirectives.org for forms and instructions. If you need or want help filling out the forms, contact your local hospital, a local senior center or Area Agency on Aging, or one of the partners [INSERT LINK TO PARTNER PAGE]

If your lawyer has training in advance health care planning, you may wish to get help from your lawyer. But be cautious of a lawyer who makes "special" or "custom" forms that are different from the form in the law. (See *answer to next question*.)

Do I have to use the form in the law?

No, but you should. The law does not force you to use the form that is in the law. But if your doctor or hospital needs to follow the form, it helps for the form to be familiar to the person who is trying to follow it. Use the form, and if you want to say more, attach another page or two to the form that explains your wishes.

If I fill out the form, does it mean that I will not receive care if I am very ill?

No. Most old “Living Will” forms said “no” to life sustaining care after certain conditions were met. The new form lets you choose:

- You can choose to let your agent make decisions about life-sustaining care, with or without condition
- You can choose life-sustaining care, without condition
- You can choose to decline life-sustaining care, with or without condition
- You can choose not to make a directive about life-sustaining care

What if I don't know what kind of care I would want? I'm not sick, and I don't expect to be.

You can appoint an agent who knows you well, and who you would trust to make serious decisions. Think about the case of Terri Schiavo. What would you have wanted your agent to do in that case? Talk to your agent about these thoughts. You should then have a continuing conversation about your values, goals, and preferences.

Ongoing conversations are the best way for you to let your agent know what you would want if faced with a life-threatening condition that left you unable to express your health care wishes.

Why should I appoint an agent, and who should my agent be?

Each of us faces the risk that we will have an accident or illness that leaves us unable to make health care decision when decisions need to be made. By appointing an agent, you get to decide who will make serious decisions for you. Choose someone who:

- Knows your wishes
- Will do what **you** want, not what he or she thinks you should want
- Will be available
- Will advocate for your preferences